Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Proposed Amendments to the Service Rules	)	PS Docket No. 13-87
Governing Public Safety Narrowband	)	
Operations in the 769-775/799-805 MHz Bands	)	

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's *Notice of Proposed Rulemaking* ("*NPRM*"), FCC 13-40 (released April 1, 2013), in the above-captioned proceeding regarding public safety use of the 700 MHz narrowband channels.[1]

Founded in 1935, APCO is the nation's oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO is the largest FCC-certified frequency coordinator for Public Safety Pool frequencies and appears regularly before the Commission on a wide range of public safety communications issues.

The Commission seeks comments on a variety of proposed amendments to the 700 MHz narrowband rules, many of which were suggested in 2008 by the National Public Safety

[1] The *NPRM* begins at paragraph 76 of a consolidated "*Seventh Report and Order and Notice of Proposed Rulemaking*" in the following dockets: PS Docket 13-87, WT Docket 96-86, RM-11433, WT Docket 96-86, PS Docket 06-229, and RM-11577.

Telecommunications Council ("NPSTC"),[2] of which APCO is member. APCO supports most of the proposals in the *NPRM*, and submits the following comments.

The Transition to 6.25 kHz

Licensees in the 700 MHz narrowband public safety spectrum are currently required to convert operations to 6.25 kHz channels or equivalent efficiency by December 31, 2016. The Commission has already granted at least one extension,[3] and now seeks comments on the possible extension or elimination of the deadline. The current deadline is ten years after the original date by which the 700 MHz spectrum was supposed to be cleared of broadcast stations and made available nationwide for public safety use. However, that date was extended by Congress until June 17, 2009, and the uncertainly regarding spectrum availability and potential reallocations in the band further delayed agencies' planning and deployment. As a result, most 700 MHz narrowband public safety systems are quite new or still in the planning or deployment stages.[4] Furthermore, most of the equipment used in the band is not capable of 6.25 kHz operation, so holding to the current date could impose severe hardships on licensees who would be required to replace equipment well before the end of its normal life-cycle. Therefore, at minimum, the date needs to be extended out to approximately 2024 to ensure a full life-cycle for current systems.

However, as the Commission notes, there is also a potential that the national public safety broadband network will someday provide mission-critical voice capability. If and when that occurs, it may be more efficient and effective for 700 MHz narrowband licensees to migrate

[2] Petition for Rulemaking of the National Public Safety Telecommunications Council, RM-11433 (filed Feb. 8, 2008).

[3] State of Louisiana Request for Waiver, *Order*, 27 FCC Rcd 12952 (2012).

[4] The exceptions are systems deployed in areas that did not have analog television stations operating on or adjacent to the channels allocated for public safety.

voice operations to the broadband network, rather than purchase 6.25 kHz narrowband replacement equipment. The problem is that any artificial 6.25 kHz deadline, even if delayed to 2024, could force agencies to replace their land mobile equipment before the broadband network is able to offer viable mission-critical voice capability. That, in turn, would likely delay migration to the broadband system for yet another land mobile radio equipment life-cycle.

There are also many areas of the nation where 700 MHz narrowband systems are today (or will be) deployed in which there will be little or no benefit in converting to "very narrowband" 6.25 kHz operation. This would include some rural and small metropolitan areas that do not face severe spectrum shortages.

Therefore, rather than extend the 6.25 kHz deadline, the Commission should eliminate the requirement altogether. APCO suggests, however, that each 700 MHz regional planning committee have the ability to recommend to the Commission that a 6.25 kHz requirement be imposed at least for new systems in that particular region. Such an option would provide relief for regions that include spectrum-congested areas such as major metropolitan communities. A particular concern are regions that include one of the metropolitan areas in which the T-Band (470-512 MHz) is currently heavily used for public safety, as that spectrum must be relinquished by 2023 according to current law.[5]

Air-to-Ground Communications

APCO continues to support NPSTC's proposal to allow 700 MHz narrowband licensees to use the secondary trunking channels for low-altitude, low power air-to-ground voice communications.

[5] Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012).

Travel Channels

APCO also continues to support NPSTC's proposal to re-designate the upper two 6.25 kHz nationwide interoperability "Calling" channels as nationwide interoperability travel channels. When the 700 MHz narrowband allocations were initially laid out as segments of TV channels 63/68 & 64/69, the designation of two sets of 6.25 kHz Calling channels (one set in each TV channel pairing) was appropriate. Now that the 700 MHz narrowband allocation has been combined,[6] having two sets of Calling channels may lead to confusion among first responders as to which channel to use in a given area of the country. The proposed reallocation would provide a designated set of channels for use within convoys of public safety resources traveling to or from an incident site, without impacting other response communications at an incident or in jurisdictions the convoy may be traveling through. Such use in the international border areas would obviously need to conform to relevant international treaties.

Tactical Voice on Data Interoperability Channels

The FCC seeks comment on NPSTC's proposal that tactical voice communications be allowed on a secondary basis on the two 6.25 kHz bandwidth data-only interoperability channels. These channels are underutilized as there are no current data applications available for those channels, and none are likely to be developed with the advent of the national public safety broadband network. Therefore, APCO recommends that Section 90.531(1)(i) be deleted and that the designated channels revert to voice interoperability use.

Reserve Channels

NPSTC had previously proposed that the 700 MHz narrowband reserve spectrum be designated for deployable trunked infrastructure. More recently, the Los Angeles Regional

[6] *Second Report and Order* in the following dockets: WT Docket 06-150, CC Docket 94-102, WT Docket 01-309, WT Docket 03-264, WT Docket 06-169, PS Docket 06-229, WT Docket 96-86, and WT Docket 07-166; FCC 07-132 (July 31, 2007).

Interoperable Communications System (LA-RICS) has sought a waiver to allow it to use the reserve spectrum as part of a network that will alleviate the loss of T-Band spectrum, which currently provides for most public safety communications in the Los Angeles area.[7] APCO supports both of these proposals, which could be accommodated as follows: (a) designate the current reserve channels for regional planning committee (RPC) coordination; (b) allow the spectrum to be used for deployable trunked infrastructure subject to RPC coordination; (c) at least in areas impacted by the loss of the T-Band, allow RPCs to designate some of the channels for base/mobile communications networks; and (d) provide for operational parameters (including designation of frequency blocks) for deployment of systems to be established by NPSTC, which could then submit those parameters to APCO as standards for ANSI certification.

Low Power Channels

APCO supports raising the ERP limit to 20 watts for the low power channels. Permanent fixed operations (*e.g.*, FB or FB2) should not be allowed, but the Commission should permit temporary fixed use (FBT, FB2T, FXIT) operations with a 20 watt ERP limit.

Project 25 Compliance Certification

APCO supports the concept of requiring 700 MHz narrowband equipment to be certified under the TIA Project 25 Compliance Assessment Program. However, we acknowledge that the Commission will need to take into consideration manufacturers' concerns regarding the details of such a requirement.

Harmonizing Rules Regarding Power Limits

APCO supports the Commission's proposal to eliminate redundant or conflicting power limits for transmitters operating in the 700 MHz narrowband channels. The Commission should

[7] Request for Waiver of Section 90.531(b)(2) filed by Los Angeles Regional Interoperable Communications System Joint Powers Authority (Dec. 7, 2012); *Public Notice*, DA 13-39 (Jan. 11, 2013).

combine the provisions of Section 90.545(b) into Section 90.541, and eliminate Section 90.545. Specifically, in the modified Section 90.541, the Commission should use the criteria in Section 90.635 for base station power, base station HAAT, and mobile station power. Many public safety radios now operate in both the 700 MHz and 800 MHz bands, so conforming the power limits would have significant benefit. The rule should maintain 3 watts total power output for portable radios, and adopt 20 watts ERP for the low power channels.

Standardized Network Access Code (NAC)

APCO supports a requirement that NACs transmitted on the 700 MHz interoperability channels follow the *APCO/NPSTC/ANS 1.104.1* "Standard Channel Nomenclature for the Public Safety Interoperability Channels."

All Channel Programming Requirement

APCO supports a clarifying amendment to 90.547(a) to require that radios be *capable* of being programmed on all 700 MHz interoperability channels. However, the Commission should not require that a 48 mode radio become a 112 mode radio simply to satisfy the potential use of one of the interoperability channels.

Analog Mode on Interoperability Channels

APCO does not support analog transmission on the interoperability channels. Mixing the transmission modes (analog and digital) on these channels creates problems that limit interoperability. While a Project 25 digital radio can receive an analog transmission, the reverse is not true. Requiring a 700 MHz user to program each interoperability channel utilized in both analog and digital modes, purely for the possibility that another user may be operating in the other mode, unnecessarily consumes channel resources in the user's radio, and creates opportunities for confusion on the part of first responders at emergency incident locations.

CONCLUSION

Therefore, APCO urges the Commission to modify its rules regarding the 700 MHz narrowband public safety spectrum to reflect the comments set forth above.

Respectfully submitted,

/s/

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